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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

MAY 25 2000



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MAY 26 2000

DIVISION OF  
OIL, GAS AND MINING

### DECISION

Mr. Lon Thomas	:	
Star Stone Quarries, Inc.	:	43 CFR 3809
4040 South 300 West	:	Surface Management
Salt Lake City, Utah 84107	:	Notice of Noncompliance

Notice of Noncompliance for Disposal of Trash, Burial of Topsoil, and  
Operating Without an Approved Plan of Operations in the Rosebud Mining Claim Area

On May 11, 2000, this office conducted an inspection of your Snow White and Sage Green quarries located on your Rosebud #1 and #2 placer mining claims respectively (UMC 354975-354976). Both quarries are located in the W $\frac{1}{2}$  of Section 14, T. 10 N., R. 16 W.

During this inspection, it was revealed that both the Snow White and Sage Green quarries have become littered with trash, broken pallets, burned household wastes, barrels, miscellaneous metal equipment parts, anti-freeze containers, plastic bags, and oil cans. Also, a large equipment battery has been dumped on the ground adjacent to your Sage Green quarry. Most of this waste material has been thrown over the mine dump at each quarry and into the adjacent drainage.

At the Sage Green quarry, you have stockpiled an estimated 60 cubic yards of topsoil at the base of the adjacent mine dump, about 15 feet below the top of the dump. Because the topsoil has been stored at this nearly inaccessible location, it is becoming buried beneath the waste dump by your ongoing mining activities. Also, there are two dilapidated trailers located at the south end of the Sage Green quarry. These trailers appear to be uninhabitable and are creating a nuisance at the site.

At the Snow White quarry, you have excavated two exploratory trenches outside of the flagged perimeter of your proposed mining area. Each trench is about 15 feet long by about 4 feet wide by about 5 feet deep. No topsoil has been saved during the excavation of either of these trenches.

On May 9, 2000 five semi-trailer transporters were observed removing palletized stone from the Sage Green quarry area. An inspection of the area on April 12, 2000 revealed the presence of 54 pallets. Only 7 of these pallets remain on site. All of this material was mined during the spring of 2000, stacked on pallets and transported off site without any authorization or Plan approval from this office. Around the perimeter of the Sage Green quarry are numerous vehicle equipment tracks and crushed vegetation which provide evidence of your unauthorized activities at the site. During this recent unauthorized mining activity, there is no evidence that any topsoil was saved for final reclamation.



Your unauthorized mining activities and the dumping of trash, broken pallets, burned household waste, barrels, miscellaneous equipment parts, antifreeze containers, plastic bags, dilapidated trailers, equipment batteries, oil cans, etc. on the Rosebud #1 and #2 mining claims are causing unnecessary or undue degradation to Public Lands, for which you are hereby being issued a Notice of Noncompliance. Operators who have been issued a Notice of Noncompliance and fail to initiate the actions required to correct the noncompliance will have established a Record of Noncompliance. All operators who conduct operations under a plan pursuant to 43 CFR 3809.1-4 on Federal lands without taking the actions specified in a Notice of Noncompliance within the time frames specified therein may be enjoined by an appropriate court order from continuing such operations and be liable for damages for such unlawful acts.

In order to remove yourself from Noncompliance status for activities on the Rosebud #1 and #2 placer mining claims, within 15 days of receipt of this letter you must complete the following:

1. Remove all trash, broken pallets, burned household wastes, barrels, miscellaneous metal equipment parts, anti-freeze containers, plastic bags, dilapidated trailers, equipment batteries, oil cans and any other associated debris from the Rosebud #1 and #2 placer mining claims;
2. Backfill the two unauthorized trenches at the Snow White quarry and cover the reclaimed surface of each trench with at least 6 inches of imported topsoil, because none was saved during excavation;
3. Remove the topsoil from its present location at the base of the Sage Green quarry mine dump and stockpile it in windrows in a previously disturbed and protected location adjacent to the quarry. The material should be stockpiled with the long axis into the prevailing wind direction to prevent loss of topsoil;
4. Remove the two dilapidated and uninhabitable trailers and associated debris from the Sage Green quarry area. Although you indicate in your submitted Plan of Operations that you will be placing a "camp trailer house and mobile out house" at the site to house 8 workers, the inadequate size of the trailers, their dilapidated condition and the abundant trash and debris surrounding the trailers are causing a nuisance which require their immediate removal.

Between October 15 and November 30 of this year, you must revegetate the reclaimed trench sites, and any other sites you wish to reclaim, using the following seed mixture as recommended by the Utah Division of Oil, Gas and Mining:

<u>Common Name</u>	<u>lbs/acre</u>
Hycrest crested wheatgrass	0.75
Intermediate wheatgrass	1.00
Bluebunch wheatgrass	2.00
Orchard grass	0.50
Sandberg bluegrass	0.50
Basin wildrye	1.50
Ladak alfalfa	1.50
Yellow sweetclover	0.50
Palmer penstemon	0.50

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Four-wing saltbush	1.50
Rubber rabbitbrush	0.25
Forage kochia	0.50
Bitterbrush	<u>1.00</u>

Total 13.1 lbs/acre

Before any trailers may be placed at the mine site for either temporary or permanent occupancy, you must first provide this office with sufficient information to evaluate your proposal under the Bureau of Land Management's (BLM) Use and Occupancy regulations at 43 CFR 3715.3-2 (copy enclosed).

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

**GLENN A. CARPENTER**

Glenn A. Carpenter  
Field Office Manager

Enclosure

cc: D. Wayne Hedberg  
Utah Division of Oil, Gas and Mining

BLM Utah State Office (UT-93513)

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